

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-00295-MR**

ROMEAL BRICE,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FNU MARLOWE,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on its own motion on Plaintiff's failure to respond to the Court's Order for Plaintiff to notify the Court of his new address. [Doc. 12].

Pro se Plaintiff Romeal Brice ("Plaintiff") filed this action on June 22, 2021, pursuant to 42 U.S.C. § 1983, against Defendants FNU Marlowe, Alan Cloninger, and Gaston County Sheriff's Department for an alleged assault on Plaintiff by Marlowe while Plaintiff was incarcerated at the Gaston County Jail. [Doc. 1]. Plaintiff's claim against Defendant Marlowe survived initial review and Defendants Cloninger and Sheriff's Department were dismissed. [Doc. 10].

The docket in this matter reflects that Plaintiff's current address is the Gaston County Jail, 425 Dr. MLK Jr. Way, Gastonia, North Carolina 28052.

Recently, the Clerk of Court mailed Plaintiff a copy of the Clerk's Order Waiving Initial Partial Filing Fee and Directing the Correctional Facility to Transmit Partial Payments and a copy of the Court's initial review order at Plaintiff's address listed in the docket in this matter. [8/3/2021 & 9/7/2021 Docket Entries]. These Orders were returned as undeliverable. [Docs. 9, 11]. The return stamps on the undelivered mail read: "RTS/ATW" and "Return to sender inmate no longer confined," respectively. [Id.]. Plaintiff has not notified the Court of any change in his address.

On September 22, 2021, the Court ordered that Plaintiff had fourteen (14) days to notify the Court of his new address and advised Plaintiff that his "failure to timely notify the Court will result in dismissal of this action without prejudice and without further notice to Plaintiff."¹ [Doc. 12 at 2-3]. The deadline to notify the Court has expired and Plaintiff has not notified the Court of his new address.

The Court will, therefore, dismiss this action without prejudice for Plaintiff's failure to prosecute.

ORDER

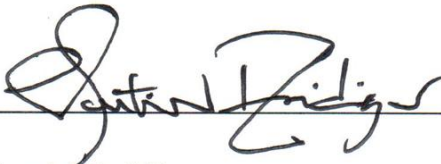
IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** for Plaintiff's failure to prosecute.

¹ This mail was also returned as undeliverable. [Doc. 13].

The Clerk is respectfully instructed to terminate this action.

IT IS SO ORDERED.

Signed: October 26, 2021



Martin Reidinger
Chief United States District Judge

